

BEFORE THE BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY OF THE STATE OF ARIZONA

In the Matter of:

JAMES C. GREEN, D.O.

Holder of License No. 1623
For the Practice of
Osteopathic Medicine and Surgery
in the State of Arizona

No.

CONSENT TO ENTRY OF ORDER
AND FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

A complaint charging JAMES C. GREEN, D.O., Holder of License No. 1623 for the practice of Osteopathic Medicine and Surgery in the State of Arizona with unprofessional conduct as provided in A.R.S. § 32-1854 having been submitted before the Board of Osteopathic Examiners in Medicine and Surgery of the State of Arizona ("Board"); and JAMES C. GREEN, D.O., having expressed a desire to execute a Consent to Entry of Order ("Order") pursuant to A.R.S. § 41-1061(D) in lieu of participating in a hearing concerning the allegations contained in the complaint;

THEREFORE, in lieu of further proceedings and as a final disposition of this matter:

(1) JAMES C. GREEN, D.O. admits that the Findings of Fact and Conclusions of Law set forth in this Order are true and accurate.

(2) JAMES C. GREEN, D.O. admits that the conduct described in this Order is unprofessional conduct as provided by A.R.S. § 32-1854.

1 (3) JAMES C. GREEN, D.O. acknowledges that the record
2 prepared in this matter, all investigative material prepared and
3 received by the Board concerning the allegations, and all
4 related exhibits and materials may be retained in the Board's
5 file pertaining to this matter.

6 (4) JAMES C. GREEN, D.O. understands that pursuant to
7 A.R.S. § 32-1855, he has the right to a public hearing
8 concerning each allegation set forth in the above captioned
9 matter at which JAMES C. GREEN, D.O. could present evidence and
10 cross-examine witnesses. JAMES C. GREEN, D.O. waives his right
11 to such hearing.

12 (5) JAMES C. GREEN, D.O. waives any right to rehearing
13 or review or to judicial review of the Findings of Fact,
14 Conclusions of Law or Order.

15 (6) JAMES C. GREEN, D.O. acknowledges that in view of
16 the Findings of Fact and Conclusions of Law, contained in this
17 Order, and pursuant to A.R.S. § 32-1855, the Board is authorized
18 to take formal disciplinary action against his license to
19 practice osteopathic medicine and surgery.

20 (7) JAMES C. GREEN, D.O. understands that he has the
21 right to consult with an attorney prior to signing this Consent
22 to Entry of Order.

23 (8) JAMES C. GREEN, D.O. acknowledges that the
24 Findings of Fact, Conclusions of Law and Order contained herein
25 are conclusive evidence of unprofessional conduct and may be
26 used for purposes of determining sanctions in any future

1 disciplinary matter.

2 (9) JAMES C. GREEN, D.O. acknowledges that this Order
3 will be effective only upon its acceptance by the Board

4 DATED this 8th day of January, 1991.

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6
7 Robert D. Bohm
8 Attorney for Respondent

9 James C. Green
10 Respondent

11 Pursuant to the foregoing Consent to Entry of Order,
12 the evidence contained in the Board's records and files in this
13 matter, and good cause appearing, the Board makes the following:

14 FINDINGS OF FACT

15 I

16 The Board of Osteopathic Examiners in Medicine and
17 Surgery of the State of Arizona is the duly constituted
18 authority for the regulation and control of doctors of
19 osteopathic medicine.

20 II

21 JAMES C. GREEN, D.O. is the holder of License No. 1623
22 for the practice of osteopathic medicine and surgery in the
23 State of Arizona pursuant to Title 32, Chapter 17 of the Arizona
24 Revised Statutes.

25 III

26 During a period from August 18, 1985 through August 23,
1988, JAMES C. GREEN, D.O. prescribed controlled substances
and/or prescription-only drugs to patient D.B. The amounts and

1 frequency in which such substances and/or drugs were prescribed
2 cannot be justified based on the diagnosis set forth in the
3 records JAMES C. GREEN, D.O. maintained concerning his care and
4 treatment of D.B.

5 IV

6 During a period from November 21, 1985 through
7 December 5, 1989, JAMES C. GREEN, D.O. prescribed controlled
8 substances and/or prescription-only drugs to patient R.C. The
9 amounts and frequency in which such substances and/or drugs were
10 prescribed cannot be justified based on the diagnosis set forth
11 in the records JAMES C. GREEN, D.O. maintained concerning his
12 care and treatment of R.C.

13 V

14 During a period from September 3, 1982 through
15 November 20, 1989, JAMES C. GREEN, D.O. prescribed controlled
16 substances and/or prescription-only drugs to patient L.S. The
17 amounts and frequency in which such substances and/or drugs were
18 prescribed cannot be justified based on the diagnosis set forth
19 in the records JAMES C. GREEN, D.O. maintained concerning his
20 care and treatment of L.S.

21 CONCLUSIONS OF LAW

22 VI

23 The Board of Osteopathic Examiners in Medicine and
24 Surgery of the State of Arizona possesses jurisdiction over the
25 subject matter hereof and over JAMES C. GREEN, D.O.
26

1 VII

2 The conduct described in paragraphs III through V
3 herein constitutes unprofessional conduct as defined in A.R.S.
4 § 32-1854(21): Failing or refusing to maintain adequate records
5 on a patient.

6 VIII

7 The conduct described in paragraphs III through V
8 herein constitutes unprofessional conduct as defined in A.R.S.
9 § 32-1854(19): Conduct or practice which does or might
10 constitute a danger to the health, welfare or safety of the
11 patient or the public.

12 ORDER

13 IT IS HEREBY ORDERED that:

14 (1) License No. 1623 for the practice of osteopathic
15 medicine and surgery in the State of Arizona held by JAMES C.
16 GREEN, D.O. be and hereby is suspended for a period of one (1)
17 year, commencing November 1, 1990 and concluding on October 31,
18 1991;

19 (2) JAMES C. GREEN, D.O. is hereby placed on probation
20 for a period of five (5) years commencing November 1, 1990;

21 (3) During the term of probation, JAMES C. GREEN, D.O.
22 shall attend a continuing education course concerning adequate
23 recordkeeping and examinations of patients as such recordkeeping
24 and examinations relate to dispensing and writing of
25 prescriptions for controlled substances and prescription-only
26 drugs. JAMES C. GREEN, D.O. shall submit a description of such

1 continuing education course to the Board or its designee and
2 obtain prior approval before it may be deemed to comply with
3 this Order. JAMES C. GREEN, D.O. shall submit to the Board a
4 report detailing with specificity the substance of the
5 instruction received in the continuing education course as
6 required herein;

7 (4) JAMES C. GREEN, D.O. shall remit to the Board
8 within six (6) months from the date of this Order the sum of
9 Three Thousand Five Hundred Dollars (\$3,500.00), which includes
10 reimbursement to the Board for expenses incurred in
11 investigation of this matter, in the amount of \$2,500.00; and a
12 civil penalty in the total amount of \$1,000.00;

13 (5) The failure of JAMES C. GREEN, D.O. to act in
14 accordance with this Order shall constitute grounds for
15 disciplinary action pursuant to A.R.S. § 32-1854(26): Violation
16 of a formal Order issued by the Board.

17 DATED this 11 day of January, 1991.

18 BOARD OF OSTEOPATHIC EXAMINERS
19 IN MEDICINE AND SURGERY OF THE
20 STATE OF ARIZONA

21 [S E A L]

22 BY William C. Shoden, D.

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